

Surrogacy – abstract

This master thesis deals with the phenomenon of surrogate motherhood (surrogacy) and analyses it from the point of view of Czech and British law, especially the Private law. Its main objective is to approximate to the answer to the question whether surrogacy should be entrenched in Czech law and, if so, what should the main features of such legal regulation be. In order to achieve this aim, it, firstly, focuses on the currently valid and effective Czech legislation. It is a well-known fact that, apart from the provision of § 804 of the Czech Civil Code, Czech law does not provide for surrogacy, at all. Surrogacy is, therefore, only partially regulated in some of its aspects, namely assisted reproduction, legal parenthood and adoption. Since the United Kingdom is often mentioned as one of the possible sources of inspiration for the future Czech legal regulation of surrogacy, British law concerning this phenomenon is considered in the following part of this thesis – especially in the light of the extensive case law. In particular, issues such as surrogacy arrangements, assisted reproduction, legal parenthood and transfer of legal parenthood (that is adoption and parental orders) are analysed. These are then subjected to critical assessment. In its last chapter, the thesis returns to the topic of Czech legislation and compares it with what has been said about British law. To the question mentioned above, that is, if it is desirable to entrench surrogacy within Czech law, the thesis answers positively. Therefore, in the last part, the main possible features of the future Czech legislation of surrogacy are considered. In this respect, the thesis notes, in particular, the need for the regulation of legal parenthood to be amended correspondingly, furthermore, the necessity for changes to be implemented to legal regulation of both, assisted reproduction and adoption – in particular with regard to extending the range of persons these are available to – and, finally, the suitability of providing for institutional supervision of surrogacy in the future Czech legislation.